

July 24, 2006
Seven o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: MARTIN GIPSON, LINDA ROBINSON, OLEN THOMAS, GARY BERRY, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (7/0). Alderman NEIL BRYANT was absent. City Clerk Diane Whitbey and City Attorney Paul Suskie were also present.

The invocation was given by Alderman Witcher, followed by the pledge of allegiance to the flag which was led by Alderman Hight.

On the motion of Alderman Witcher and seconded by Alderman Berry and by consent of all members present, the minutes of a regular council meeting held on Monday, July 10, 2006, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the blanket motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, communications # 1, 2, 3, 5, 7, 8, 9 and 10 were accepted and filed (7/0).

1. James Ard letter from Hugh L. Brown, Attorney at Law to Julia K. Hudson, Deputy City Attorney, City of Little Rock re: MEMS Complaint re: billing pertaining to Ms. Virginia C. Ard.
2. James Ard letter from Hugh L. Brown, Attorney at Law to Julia K. Hudson, Deputy City Attorney, City of Little Rock re: MEMS Complaint on driver of Unit #130, July 11, 2006, Batesville Pike.
3. Sharon Tedford, Mayor's Office memorandum re: application for Sunday alcoholic beverage sales - restaurant mixed drink permit for Kanpai Japanese Steak and Sushi, 4120 East McCain #100, by Steve K. Im.
5. Bob Sisson, Finance Director memorandum to Mayor and City Council re: North Little Rock Utilities Accounting Audit Report for year ended December 31, 2005.
7. Mike Smith, City Engineer memorandum to Mayor and City Council re: overlooks at the Old Mill.
8. Patrick Cullivan (via US Mail) petition requesting speed hump on Willow Street between 1400 and 1500 block.
9. Donovan W. Pepper, Manager State and Local Government Relations for Walgreens, letter to council re: O-06-86, Mandatory Participation of Nonprescription Pseudoephedrine ("PSE") Product Sales Authorization System.
10. Sharon Tedford, Mayor's Office memorandum re: application for new restaurant mixed drink permit for Classics Restaurant and Night Club f/k/a Howard Johnson Hotel, 111 West Pershing Boulevard by Shari Lee McKay.

On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, communication #4 was read by title only, accepted and filed (7/0).

4. Charley Baxter, Director of the Patrick Henry Hays Senior Citizens Center, 2005 Annual Report to Mayor and City Council.

Mayor Hays invited Mr. Baxter to come forward and speak regarding the report. Last week the 11,000th member joined the center. Classes are well attended and everyone is looking forward to the expansion.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communication #6 was read by title only, accepted and filed (7/0).

6. Mayor Hays letter to City Council re: appointment of Willie Elizandro as Director of the North Little Rock Airport, annual salary \$52,912.00.

Mayor Hays thanked Mr. Elizandro for his service as the Superintendent of the Parks and Recreation Department. Mr. Elizandro advised he had been in the Air Force and was involved in airport management.

On the motion of Alderman Hight and seconded by Alderman Berry, and by consent of all members present, communication #11 was read by title only, accepted and filed (7/0).

11. Mayor Hays letter to City Council members re: safety and litter problems along the banks of the Arkansas River from the Railroad Bridge to the Main Street Bridge. Recommendation of "No Fishing" signs.

Mayor Hays advised the area of the Maritime Museum and Arkansas Queen has a steep embankment with rip-rap (rocks). The area is dangerous for people to tread upon.

Mayor Hays advised camera problems in the council chambers had been fixed, however there was a transmission problem and advised the public should turn to cable channel 18 to watch this meeting.

Mayor Hays reconvened a public hearing at 7:10 p.m. regarding a speed circle on Kierre Drive. Mr. Mike Smith, City Engineer reviewed several options included installing ceramic buttons as a speed deterrent. Permanent and temporary installations were discussed and costs were reviewed ranging from \$2,000.00 for a temporary solution (ceramic buttons), and up to \$35,000.00 for a permanent concrete pad in the center of the circle. Large brick mailboxes in the area would have to be relocated. Alderman Witcher said the area continues to grow, thereby increasing traffic. Alderman Gipson asked if 3-way stop signs had been considered. The speed limit is 35 miles per hour. Alderman Berry asked what the effect would be on large emergency vehicles. Alderman Hight said most of the people he talked to preferred installation of stop signs instead of a speed circle. Mayor Hays said a stop sign costs approximately \$50.00. Ms. Shanda McCauley (?) lives off of Kierre and said police officers need to be in the area. James (inaudible) said people slow down for the railroad tracks and that speeding is occurring when people are going down the hill. Rita Kahley lives off of Kierre and is not in favor of a traffic circle. She has not been able to acquire any information regarding the design of the speed circle. A permanent barrier will cause traffic to detour through the neighborhood to avoid it and asked how the location was determined. Mayor Hays reminded everyone that legislation is not pending regarding this matter. Dawnella (inaudible) lives on Kierre Drive. She does not allow her child to play in front of her house because of traffic and has seen several mail boxes destroyed by vehicle accidents.

She is in favor of the center island. Lenisa Gilmore lives in the vicinity of the proposed circle. She reiterated the previous speaker's comments and said she is afraid to check her mail box for fear of being hit by a car. Stop signs would be more cost effective. Police patrols are out in the older area of the neighborhood. Bob Seay suggested buttons and stripping to narrow the street. Brad Hopkins has lost three mail boxes but not due to speeding. He is against the proposal. There being no one else wishing to be heard, Mayor Hays adjourned the public hearing at 7:45 p.m.

Mayor Hays convened a public hearing at 7:46 p.m. regarding O-06-65, an ordinance establishing Smarthouse Way Central Business Improvement District No. 27. Mr. Michael Drake, Main Street/Argenta Director advised Main Street/Argenta had acquired the property. There being no one else wishing to be heard, the public hearing was adjourned at 7:47 p.m. and there being no objection, the legislation was called.

O-06-65 (ORDINANCE NO. 7842 - MAYOR HAYS)

AN ORDINANCE ESTABLISHING SMARTHOUSE WAY CENTRAL BUSINESS IMPROVEMENT DISTRICT NO. 27 OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,

was read three times on July 10, 2006. A public hearing was held this date. The legislation was read. On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and the roll having been called and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

Mayor Hays convened a public hearing regarding O-06-71, an ordinance granting a conditional use to allow an after school care program in a C-3 zone for property located at 4106 JFK Boulevard. Helen (inaudible) lives on East "I" Street. She asked where the day care and playground would be located. Richard Palmer and Rev. Keith Gentry spoke regarding the proposed conditional use. Jane Ward lives on Idlewild and had concerns regarding traffic and motorists cutting through behind the bank. Noise from the playground was a concern. There being no one else wishing to be heard, Mayor Hays adjourned the public hearing.

UNFINISHED BUSINESS

R-06-97 (RESOLUTION NO. 6974 - MAYOR HAYS)

A RESOLUTION ACCEPTING THE CONSTRUCTION MANAGER'S GROSS MAXIMUM PRICE FOR THE CONSTRUCTION WORK ON ADDITIONS TO AND RENOVATIONS AT THE PATRICK H. HAYS SENIOR CITIZENS CENTER; AND FOR OTHER PURPOSES,

was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Gipson. On the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the resolution was amended as follows:: *substitute copy provided this date, removing Exhibit "A", and inserting amount of \$3,930,408.00 in blanks* (7/0). On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, the resolution was adopted as amended (7/0).

O-06-57

AN ORDINANCE AUTHORIZING A BARRIER TO BE INSTALLED ON WEST SCENIC DRIVE, APPROXIMATELY 180 FEET WEST OF PARKVIEW DRIVE; NOTING CHANGE

ON MASTER STREET PLAN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on May 22, 2006, and a public hearing was held on that date, was read a second time June 12, 2006, was called and held at the request of the sponsor, Alderman Parker. The item will be called for a vote on August 14, 2006 and a neighborhood group will present a petition supporting closing the street with a barricade.

O-06-66

AN ORDINANCE REPEALING ORDINANCE NO. 7735 WHICH ALLOWED A SPECIAL USE FOR A CELL TOWER AT CERTAIN REAL PROPERTY LOCATED AT INDIAN HILLS SCHOOL ON INDIAN HILLS DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times on July 10, 2006, was called and held at the request of sponsor, Mayor Hays who advised Cingular was working on the site.

O-06-67

AN ORDINANCE REPEALING ORDINANCE NO. 7736 WHICH ALLOWED A SPECIAL USE FOR A CELL TOWER AT CERTAIN REAL PROPERTY LOCATED AT RIDGE ROAD CHARTER MIDDLE SCHOOL IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times on July 10, 2006, was also held by sponsor Mayor Hays as Cingular was working on this site as well.

NEW BUSINESS

R-06-99 (RESOLUTION NO. 6975 - MAYOR HAYS)

A RESOLUTION REAPPOINTING TOMMY CUPPLES TO THE HOUSING AND BUILDING BOARD OF ADJUSTMENT AND APPEALS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted (7/0).

R-06-100 (RESOLUTION NO. 6976 - MAYOR HAYS)

A RESOLUTION REAPPOINTING PHILIP E. DAVIS TO THE HOUSING AND BUILDING BOARD OF ADJUSTMENT AND APPEALS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (7/0).

R-06-101 (RESOLUTION NO. 6977 - MAYOR HAYS)

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF THOMAS W. RIMMER TO THE BOARD OF COMMISSIONERS OF CENTRAL ARKANSAS WATER; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Berry, and by consent of all members present, the resolution was adopted (7/0).

R-06-102 (RESOLUTION NO. 6978 - MAYOR HAYS)

A RESOLUTION REAPPOINTING MABLE B. MITCHELL TO THE SENIOR CITIZENS COMMISSION, AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (7/0).

R-06-103 (RESOLUTION NO. 6979 - MAYOR HAYS)

A RESOLUTION REAPPOINTING MYRA RUNYON TO THE SENIOR CITIZENS COMMISSION, AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of members present, the resolution was adopted (7/0).

R-06-104 (RESOLUTION NO. 6980 - MAYOR HAYS)

A RESOLUTION REQUESTING THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT TO APPROVE ADDITIONAL SIGNALIZATION ON MAUMELLE BOULEVARD (STATE HIGHWAY 100); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderwoman Robinson. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the resolution was amended as follows:: *Section 1: delete ...associated with this development site, and replace with ...APPROXIMATELY 1400' WEST OF THE WAL-MART SIGNAL and REVIEW THE 1981 TRAFFIC CONTROL PLAN* (7/0). On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted as amended (7/0).

O-06-68

AN ORDINANCE ESTABLISHING PROCEDURES FOR THE IMPLEMENTATION OF AN ELECTRONIC RECORD KEEPING SYSTEM FOR CERTAIN TRANSACTIONS INVOLVING THE DISTRIBUTION OF EPHEDRINE, PSEUDOEPHEDRINE AND PHENYLPROPANOLAMINE AS AUTHORIZED BY THE ARKANSAS GENERAL ASSEMBLY PURSUANT TO ACT 256 OF 2005 AND NORTH LITTLE ROCK ORDINANCE NO. 7801; DECLARING AND EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). The ordinance was read a second time. Alderman Gipson advised Walgreens had procedural concerns and asked the legislation be held to allow time to work on said concerns. The legislation was then held at the request of the sponsor, Mayor Hays.

O-06-69 (ORDINANCE NO. 7843 - MAYOR HAYS)

AN ORDINANCE AMENDING ORDINANCE NO. 7697 TO ALLOW DISPLAY OF MERCHANDISE IN CERTAIN LOCATIONS OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Mayor Hays advised legislation had previously been adopted but was not included in the new zoning ordinance, therefore this legislation would reconfirm what was previously adopted. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Berry and seconded by Alderman Hight, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-06-70 (ORDINANCE NO. 7844 - MAYOR HAYS)

AN ORDINANCE ACCEPTING THE ANNEXATION OF LANDS COMMONLY DESCRIBED AS LANDS TO BE TITLED THE "BENT TREE ESTATES ANNEXATION" TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING BENT TREE ESTATES ANNEXATION A PART OF THE CITY OF NORTH LITTLE ROCK;

DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-06-71 (ORDINANCE NO. 7845 - ALDERMAN GIPSON)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW AN AFTER SCHOOL CARE PROGRAM IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4106 JFK (JOHN F. KENNEDY) BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read.

(A public hearing was held this date - see public hearings). On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-06-72

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW OUTSIDE STORAGE FOR A CONTRACTOR'S YARD IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4232 BAUCUM PIKE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read.

Alderman Thomas advised the Planning Commission had approved rezoning the property from R-3 to C-4. Alderman Berry

made a motion which was seconded by Alderman Hight to suspend the rules and place the ordinance on its second reading, the following members voted yes, Thomas, Berry, Hight and Witcher, and the following members voted no, Gipson, Robinson and Parker, the motion failed (4/3). On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the ordinance was amended as follows:: *Section 1: That a conditional use is approved to allow outside storage for a contractor's yard in a C04 zone* THE SUBJECT PROPERTY IS REZONED FROM R-3 TO C-4 AND for the subject real property being more particularly described as: *etc.* (7/0). Mr. Norman Clifton is the applicant. The area is a little over two acres which is zoned residential. Mr. Clifton said some of the existing structures would be torn down. Several businesses in the area are non-conforming. Alderman Hight asked if there would be a buffer. Ms. Nancy Henson lives next door and is not opposed to the rezone, but is opposed to the proposed privacy fence which would be next to her bedroom window. She said

she was not aware of the proposal until last week. Alderwoman Robinson asked Mr. Robert Voyles, Planning Director if the driveway would be concrete or gravel. Ms. Henson has someone living with her who is on a breathing machine and had concerns regarding dust from the heavy equipment. There is no outside storage of construction material. Heavy equipment would be stored within the fence. Alderman Gipson asked if the equipment would be undercover, which it would not. Alderwoman Robinson said she was concerned with C-4 zoning as a future business could operate anything allowed in such zone. Ms. Henson said her sewer line runs under where the fence would be located and was concerned with how she would access her line if there were problems. Mr. Suskie said the ordinance would rezone the property from residential use to C-4, then issue a Conditional Use to allow outside storage for a contractors yard. Alderman Gipson asked if the property could be zoned C-3. Alderman Thomas made a motion to suspend the rules and place the ordinance, as amended, on its second reading. The motion died for lack of a second.

PUBLIC COMMENTS-----

Scott Miller apologized for literature distributed during the last meeting, as information on the internet was not up to date and advised he had talked with Code Enforcement regarding a boarding house located in his neighborhood. Alderman Witcher said there was legislation regarding political signs. Ms. Whitbey advised a memorandum existed which suggested when, how long and where political signs could be placed. Mayor Hays asked Mr. Suskie to research it. Mr. Bobby Taylor has a problem with his neighbor who has a dog and has put up a fence. Friday night, rain caused water problems for him. Mr. Taylor said Mr. Voyles told him the fence permit was good for one year. Mr. Jimmy Hogan said the area of a cell tower on Ridge Road has improved. Mr. Matthew Richard spoke regarding the Hays Center expansion and renovations and said sufficient parking should be provided. Mr. Bill Townsdale thanked his neighbor Mr. Hogan for his efforts regarding the cell tower issue. Mr. Townsdale commended Mr. Elizandro for his work as Superintendent of Parks and Recreation and said he would be missed, but would do well at the Airport. A representative of the Scenic Hill Crime Watch group spoke regarding West Scenic Hill and advised the group will provide 200+ signatures supporting the gate and asked council members to consider the request. Ms. Julie McBrown spoke regarding the cell tower, and said it was moved without the neighbors being notified. Trees, bushes and grass will not improve the appearance. Ms. Mary Nixon spoke regarding the cell tower. Mr. James Ard said he had information regarding cell towers to share with Aldermen Witcher and Hight. Mr. Ard thanked Mr. Bob Rhoads, Director of Parks and Recreation for his concern regarding beer in the parks. Mr. Ard said selective Code Enforcement isn't right and a resident of Ward 2 was cited for an inoperable vehicle in her backyard, even though it had a license, etc. Ms. Kay Alonzo spoke regarding closing West Scenic Drive.

There being no further business to come before the Council, and on the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the meeting adjourned at 9:05 p.m. (7/0), until the next regular meeting to be held on Monday, August 14, 2006, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS

ATTEST: DIANE WHITBEY, CITY CLERK